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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE-NASHVILLE

AUG - 8 2019

U.S. District Court
Middle District of TN

DANIEL SMITH)
Plaintiff,) Case No. 19-CV-00439
v.) Judge William J. Campbell, Jr.
TRANS UNION, LLC) Magistrate Judge Joe B. Brown
GRANITE BAY ACCEPTANCE, INC.)
Defendants.) JURY DEMAND

)

**MOTION TO DISMISS DEFENDANT
GRANITE BAY ACCEPTANCE, INC. ONLY**

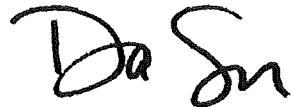
Comes now Plaintiff, Daniel Smith, and pursuant to Fed. R. Civ. P. 21¹ moves the Court for an Order to dismiss Defendant Granite Bay Acceptance, Inc., WITH PREJUDICE, as the Plaintiff and Granite Bay have resolved all claims.

Rule 21 may be used for the dismissal of a single defendant. See *Philip Carey Manufacturing Company v. Taylor*, 286 F.2d at 785 (6th Cir. 1961) ("[W]e think that [Rule 21] is the one under which any action to eliminate" a single defendant should be taken"); see also *Wilkerson v. Brakebill*, No. 3:15-CV-435-TAV-CCS, 2017 WL 401212 (E.D. Tenn. Jan. 30, 2017) ("Rule 21 is the more appropriate rule"); *Lester v. Wow Car Co., Ltd.*, No. 2:11-cv-850, 2012 WL 1758019, at *2 n.2 (S.D. Ohio May 16, 2012) ("the Sixth Circuit has suggested that

¹ In the Sixth Circuit, a plaintiff may only dismiss an "action" using Rule 41(a) and an "action" is interpreted to mean the "entire controversy." *Philip Carey Manufacturing Company v. Taylor*, 286 F.2d 782, 785 (6th Cir. 1961).

dismissal of an individual party, as opposed to an entire action, is properly conducted pursuant to Rule 21, not Rule 41").

RESPECTFULLY SUBMITTED,



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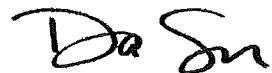
DATE: August 6, 2019

CERTIFICATE OF SERVICE

This will serve to certify that a true and correct copy will be served upon the following on August 6, 2019, via United States postal mail:

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